

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: John J. Smith III d/b/a John Smith Home  
Improvements  
Carol M. Smith**

**Debtor(s)**

**ONYX Bay Trust**

**Movant**

vs.

**John J. Smith III d/b/a John Smith Home  
Improvements  
Carol M. Smith**

**Respondent(s)**

**BK NO. 21-12762 PMM**

**Chapter 13**

**Hearing Date: 01/06/2022**

**OBJECTION OF ONYX BAY TRUST  
TO CONFIRMATION OF CHAPTER 13 PLAN**

ONYX Bay Trust (hereinafter Secured Creditor), objects to confirmation of Debtor's Chapter 13 plan and asserts in support of its Objection as follows:

1. The claims bar date is December 16, 2021. Secured Creditor intends to file a claim on or before the bar date with pre-petition arrears estimated at \$7,357.04.
2. Debtor's Plan provides for payment in the amount of \$0.00 towards the arrearage claim of the Secured Creditor.
3. The Secured Creditor intends to file a claim in this case but the Debtor's plan makes no provisions for the payment of that claim or for the surrender to the Secured Creditor of the collateral securing said claim in violation of 11 U.S.C. 1325 (a)(b) and (c).
4. Debtor's Plan understates the amount of the Secured Creditor's claim by \$7,357.04, and does not provide sufficient funding to pay said claim including present value interest.
5. Accordingly, Debtor's Plan is not feasible, as it does not fully compensate the Secured Creditor.
6. In addition, the Debtor's Plan fails to comply with 11 U.S.C. §§ 1322 and 1325.

WHEREFORE, the Secured Creditor, ONYX Bay Trust, prays that the Court deny confirmation of the Debtor's Plan.

Respectfully submitted,

Date: November 17, 2021

By: /s/ Rebecca A. Solarz, Esquire

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